

S U M M A R Y

FILE NO.	2194	Thomas Guide Map No.	656/657
		Date Received:	03/18/05
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ENTITY	Fairwood Community Task Force		
ACTION	Proposed Incorporation of City of Fairwood		
TITLE	City of Fairwood	Board Meeting:	04/14/05

Location	The preliminary proposal for the City of Fairwood includes area generally bounded on the north by Maple Valley Highway; on the south variously by Petrovitsky Road/ SE 200th Street; on the east variously by 161 st Avenue SE and 180 th Avenue SE (the Urban Growth Boundary); and on the west by 128 th Avenue SE and Soos Creek Park.
Land Area	Preliminary Estimate: 4500 acres. Final area is to be determined at a later date.
Land Use	Various single-family uses; various multi-family uses; various commercial uses; various public uses (e.g., schools, libraries, parks, trails); and various private uses (e.g., golf and country clubs)
Population	Preliminary Estimate: 26,000. Final population count is to be determined at a later date.
Assessed Valuation	\$1,497,136,000
County Comprehensive Plan Designation/Zoning	Range of residential and commercial land use designations/zones
City Comprehensive Plan	To be determined.
City Zoning	To be determined.
District Comprehensive Plan	To be determined.
District Franchise	To be determined.
Urban Growth Area (UGA)	The site is located within the Urban Growth Area as identified under the State Growth Management Act and the King County Comprehensive Plan.
SEPA Declaration	The proposed action is exempt from SEPA pursuant to RCW 43.21C.222

ENTITIES/AGENCIES NOTIFIED:

King County Council Member(s) Steve Hammond (District No. 9); Dwight Pelz (District No. 5); Reagan Dunn (District No. 6)

King County: Clerk of Council, Department of Assessments, Fire Marshal, Health Division, State Department of Ecology, Puget Sound Regional Council, Municipality of Metropolitan Seattle (Metro)

Cities: City of Renton; City of Kent

Fire Districts: King County Fire Protection District No. 40; Kent Fire Department No. 37; King County Fire Protection District No. 25

Water Districts: King County Water District No. 90; Soos Creek Water & Sewer District; Cedar River Water & Sewer District

Sewer Districts: Soos Creek Water & Sewer District; Cedar River Water & Sewer District

School District: Renton School District No. 403; Issaquah School District No. 411; Kent School District No. 415; Tahoma School District No. 409

SUMMARY FOR FILE NO. 2194

The Fairwood Task Force proposes formation of a new City of Fairwood. The City is proposed to be 4500 acres with a population of approximately 26000 persons.

The proposed City of Fairwood is located generally to the west of the King County Urban Growth Area/Rural Area Boundary; to the east of the City of Renton and to the north of the City of Kent. The preliminary proposal for the City of Fairwood includes area generally bordered on the north by Maple Valley Highway; generally bordered on the south variously by Petrovitsky Road/ SE 200th Street; generally bordered on the east variously by 161st Avenue SE and 180th Avenue SE (the Urban Growth Boundary); and generally bordered on the west by 128th Avenue SE and Soos Creek Park.

At present, the proposed Fairwood Incorporation Area is located in unincorporated King County. The Fairwood Area is addressed in the King County Comprehensive Plan and in Countywide Planning Policies. The King County Plan/Countywide Policies encourages the transition of unincorporated urban lands to local jurisdictions by either annexation or incorporation. Key relevant King County Plan/Countywide Planning Policies include:

FW-13: Cities are the appropriate providers of local urban services to Urban Areas.

LU-31: The County should identify urban development areas within the Urban Growth Area

U-203: Population growth should be encouraged in Urban Growth Areas

U-206 In general, King County shall favor annexation over incorporation as the preferred method of governance transition. However, King County will support incorporations when the proposed incorporation is financially feasible.

Currently, the proposed Fairwood Incorporation Area is established within the City of Renton Comprehensive Plan "Potential Annexation Area" and is addressed in the "Annexation Element" of that Comprehensive Plan.

State law does provide, however, for incorporation of urban lands pursuant to the provisions of RCW 35.02, *et seq.* It is under the provisions of state law that the Fairwood Task Force is seeking the incorporation of a new City of Fairwood.

The Fairwood Incorporation would also be required to be consistent with the provisions of the State Growth Management Act (RCW 36.70A). RCW 36.70A calls for local jurisdictions to govern urban areas.

Additionally, RCW 36.70.20 calls for community planning goals, for urban growth, services and infrastructure, and environmental preservation. In keeping with this policy, the Fairwood Task Force reports that incorporation would permit a new City of Fairwood to establish land designations, land use zones and zoning standards for the community. The Task Force currently envisions residential designations, commercial designations, and open space designations that are essentially equivalent to those designations established by King County for the community. Thus, incorporation would permit neighborhood preservation, development of new land uses, and establishment of corollary public services (e.g., roadways) as envisioned in RCW 36.70A and as appropriate to the Fairwood Area.

The Task Force reports that the proposed Fairwood Incorporation would be consistent with the provisions of RCW 36.93 (Boundary Review Board Regulations). For example, this incorporation would reportedly be consistent with Objective 1, which calls for the preservation of neighborhoods. The proposed incorporation area is reportedly a unified community linked by social fabric (e.g., similar land uses and open spaces, shared sense of community) and by natural/built geographic features (e.g., roadways, parks, community gathering areas.)

The Task Force reports that the proposed Fairwood Incorporation would be consistent with Objective 3, which calls for creation of logical service areas, and Objectives 4-7, which call for the achievement of reasonable boundaries for a jurisdiction. The present Fairwood Area is an "island" of unincorporated land.

Although the Klahanie Area possesses a rather unusual configuration, the lands within these borders are specifically established for transition to local jurisdiction.

The Task Force reports that, with incorporation, all governance, services, and operations for the City of Fairwood could be efficiently coordinated under unified regulatory authorities administered by a single local government unit. Upon incorporation, the City of Fairwood would be able to provide urban services to the area either directly or via agreements between the City and service providers for water, sewer, stormwater, utilities (e.g., gas, electricity, cable, telephone, law and justice, fire/emergency services, parks, recreation facilities, and libraries). The Renton, Kent, Issaquah and Tahoma School Districts would continue to govern school district boundaries.

This incorporation would also reportedly be consistent with Objective 8, which calls for inclusion of urban areas within municipalities. Incorporation would permit citizens to affiliate with a local government and thus to participate in the local government process.

The Boundary Review Board has statutory authority and responsibility to evaluate and to provide decisions (and/or recommendations) pursuant to the proposal for incorporation of a new City of Fairwood.

In order to accomplish the statutory mandate for assessment of incorporations, the Boundary Review Board must ensure that there is reasonable opportunity provided for Board members to: (1) obtain required information relating to compliance with state laws (e.g., Incorporation Proceedings – RCW 35.02; State Growth Management Act – RCW 36.70A; RCW 36.93 Boundary Review Board Enabling Act, *et seq.*); (2) obtain required information relating to government organization plans, service resources/requirements; fiscal data); (3) provide necessary information to government agencies, to citizens, and to other stakeholders affected by the proposed action; (4) conduct public hearings to permit comment from citizens and other government agencies; and (5) make a decision concerning the viability of the proposed action, based upon the record for the Notice of Intention.

As the preliminary step in the review of the proposed incorporation of a new City of Fairwood, an Incorporation Study is being prepared under the aegis of the Office of the King County Executive with funding approved by the Metropolitan King County Council. When this Incorporation Study has been completed, the Boundary Review Board will commence formal review of the Notice of Intention for Incorporation. The Boundary Review Board will then determine whether the Incorporation Study provides both sufficient basic governance information and fiscal data to permit a decision pursuant to the proposed incorporation. The Board reserves the authority to call for supplemental feasibility studies if additional information is required to augment the Incorporation Study in order for the Board to determine the viability of the proposed City of Fairwood.

When sufficient documentation is developed pursuant to the structure and function of a new city, the Board will provide an opportunity for various state, regional, and local government agencies to review and comment on the planned action. The Board must also provide for substantive public review and comment period for the planned action.

The minimum amount of time necessary for the Boundary Review Board and other government agencies to complete the essential legal, technical, and fiscal review processes required by law is estimated at 45 – 60 calendar days. This timetable assumes the availability of a comprehensive Incorporation Study (and the corollary Community Telephone Survey.)

Further, as prescribed by RCW 36.93, *et seq.*, and RCW 35.02 *et seq.*, the Boundary Review Board may determine that a discrete Economic and Fiscal Analysis is necessary to supplement the Incorporation Study. In the event that the Board determines that a supplemental Economic and Fiscal Analysis is necessary, then an estimated minimum estimated timetable of 60 - 90 days would be required for the Boundary Review Board and the Task Force to establish study parameters and for the preparation of an Economic and Fiscal Analysis (under the aegis of an independent consultant) which achieves the required legal standard.

In the event that the Boundary Review Board determines that a supplemental Economic and Fiscal Analysis is required, then a minimum estimated 30 – 45 calendar days would be necessary to provide a reasonable review period for other government and agencies and a public review period in accord with the requirements of the law.

State law establishes requirements for the Boundary Review Board public hearing process including publication of notices, conduct of the hearing, preliminary decision-making and the issuance of a final decision. More specifically:

- Under state law, a minimum 30 day public notice is required prior to the conducting of a public hearing. In accord with legal standards, the public hearing is scheduled for two dates in order to ensure sufficient opportunity for presentation of the incorporation plan and presentation of incorporation studies.
- Under state law, sufficient time must also be allocated for comment by community members. Similarly, government agencies and service providers must be provided an opportunity to speak about the proposed incorporation.
- Under state law, the public hearing schedule must also provide sufficient time for the Boundary Review Board to deliberate and come to a preliminary decision/recommendation with respect to the incorporation. In accord with legal standards, the Board must first reach a preliminary decision/recommendation on the proposed incorporation. The Board would then direct staff to prepare the required Resolution and Hearing Report and a Record of the Proceedings. This Report and Record must then be presented to the Boundary Review Board for formal action. The Board must review the documents and then make a final decision/recommendation with respect to the proposed incorporation.

In order to achieve compliance with regulatory authorities, the Boundary Review Board requires an estimated minimum time period of 50 – 60 calendar days to conduct the public hearings, prepare and review mandatory documents, and complete the formal decision making process.

Following the issuance of the final decision by the Boundary Review Board, the Fairwood Task Force may proceed to schedule an election to permit citizens to determine whether to incorporate a new City of Fairwood.